

SENATE BILL No. 211

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-28-5-5.

Synopsis: Allocation of safety belt violation judgments. Provides that \$5 of each \$25 fine imposed by a city or town court for a safety belt violation or another Class D infraction is to be retained by the political division entering the judgment.

Effective: July 1, 1999.

Craycraft

January 6, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 211

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-28-5-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) A defendant
3 against whom a judgment is entered is liable for costs. Costs are part
4 of the judgment and may not be suspended except under IC 9-30-3-12.
5 Whenever a judgment is entered against a person for the commission
6 of two (2) or more civil violations (infractions or ordinance violations),
7 the court may waive the person's liability for costs for all but one (1) of
8 the violations. This subsection does not apply to judgments entered for
9 violations constituting:
10 (1) Class D infractions; or
11 (2) Class C infractions for unlawfully parking in a space reserved
12 for a person with a physical disability under IC 5-16-9-5 or
13 IC 5-16-9-8.
14 (b) If a judgment is entered:
15 (1) for a violation constituting:
16 (A) a Class D infraction; or
17 (B) a Class C infraction for unlawfully parking in a space

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1 reserved for a person with a physical disability under
 2 IC 5-16-9-5 or IC 5-16-9-8; or
 3 (2) in favor of the defendant in any case;
 4 the defendant is not liable for costs.

5 (c) Except for costs **and five dollars (\$5) of each judgment for a**
 6 **Class D infraction**, the funds collected as judgments for violations of
 7 statutes defining infractions shall be deposited in the state general fund.
 8 **Five dollars (\$5) of each judgment for a Class D infraction shall be**
 9 **retained and deposited in:**

10 (1) **the county general fund, if the adjudicating court is a**
 11 **circuit, superior, or county court; or**

12 (2) **the city or town general fund, if the adjudicating court is**
 13 **a city or town court.**

14 (d) A judgment may be entered against a defendant under this
 15 section or section 4 of this chapter upon a finding by the court that the
 16 defendant:

17 (1) violated:

18 (A) a statute defining an infraction; or

19 (B) an ordinance; or

20 (2) consents to entry of judgment for the plaintiff upon a pleading
 21 of nolo contendere for a moving traffic violation.

22 **SECTION 2. [EFFECTIVE JULY 1, 1999] IC 34-28-5-5, as**
 23 **amended by this act, applies to all judgments imposed for Class D**
 24 **infractions after June 30, 1999, regardless of when the infractions**
 25 **were committed.**

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